

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
AUGUST 7, 2006**

The Tippecanoe County Commissioners met on Monday, August 7, 2006 at 10:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President Ruth E. Shedd, and Member KD Benson. Also present were: Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney Douglas J. Masson, and Secretary Pauline E. Rohr.

President Knochel called the meeting to order and led the Pledge of Allegiance.

APPROVAL OF MINUTES

- Commissioner Shedd moved to approve the Minutes of the July 17, 2006 Regular Meeting, July 18, 2006 Executive Meeting, and July 19, 2006 Executive Meeting as distributed, seconded by Commissioner Benson; motion carried.

APPROVAL OF ACCOUNTS PAYABLE VOUCHERS

- Upon the recommendation of Commissioners' Assistant Jennifer Weston, Commissioner Benson moved to approve the Accounts Payable Vouchers with no exceptions, seconded by Commissioner Shedd; motion carried.

HIGHWAY: Executive Director Opal Kuhl

Engineering Agreement: Bridge #2: Janssen & Spaans Engineering, Inc.

Ms Kuhl presented the Agreement with Janssen & Spaans in the amount of \$32,050 for design plans and contract documents for the replacement of Bridge #2 which carries South County Line Road over Bowers Creek and the necessary approach work.

- Commissioner Shedd moved to approve the Engineering Agreement with Janssen & Spaans Engineering, Inc. for Bridge #2, seconded by Commissioner Benson; motion carried.

Ordinance 2006-17-CM: Amends Ch 72, Schedule III & IV, Traffic Schedule of Tippecanoe County Code: Yield & Stop Intersections: First Reading

Ordinance 2006-17-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

Ms Kuhl explained that this Ordinance will amend the Traffic Schedule to change Yield signs to Stop signs at specified intersections due to increased traffic or sight distance problems.

Attorney Masson read the list of intersections:

(quote)

County Road 500 South at County Road 450 East
Newcastle Road at East County Line Road
Newcastle Road at County Road 700 South
County Road 1000 East at County Road 700 South

County Road 1000 East at Newcastle Road
County Road 1000 East at County Road 1000 South
Hoover Road at County Road 350 North
County Road 600 West at County Road 350 North
County Road 625 West at County Road 1000 South
County Road 1225 South at County Road 625 West
County Road 1240 South at County Road 625 West
County Road 350 West at County Road 1200 South
County Road 350 West at County Road 1300 South
County Road 475 West at County Road 1200 South
County Road 350 West at South County Line Road
County Road 925 South at County Road 200 West
County Road 375 West at County Road 500 North
County Road 425 West at County Road 600 North
County Road 375 West at County Road 600 North
County Road 400 West at County Road 750 North
County Road 350 West at County Road 850 North
County Road 150 South at County Road 900 East
County Road 150 South at County Road 650 East
East County Line Road at County Road 350 South
East County Line Road at County Road 200 South
County Road 50 South at County Road 675 East
East County Line Road at County Road 100 South
County Road 500 East at Old County Road 350 South
Old County Road 350 South at Newcastle Road

(unquote)

Commissioner Benson asked if there is a minimum traffic count that determines if a Stop sign replaces a Yield sign. Traffic Supervisor Mike Parks responded that sight distance is the major reason for a change.

- Commissioner Shedd moved to approve Ordinance 2006-17-CM on first reading, seconded by Commissioner Benson.

Auditor Plantenga recorded the vote:

John Knochel	Yes
Ruth Shedd	Yes
KD Benson	Yes

- The motion to approve Ordinance 2006-17-CM passed 3 – 0 on first reading.

Notice of Bids: 2006 Bridge Rehabilitation Project

Ms Kuhl announced that a Notice for Bids for the 2006 Bridge Rehabilitation Project will be advertised on August 4, 2006 and August 11, 2006. The bids will be opened on Monday, August 21, 2006.

Public Hearing Request: Petition for Vacation of Public Ways and Easements in Mystic Woods SD: Paul Coutts, C & S Engineering

Mr. Coutts asked the Commissioners to schedule a Public Hearing on Monday, August 21, 2006 regarding the Petition for Vacation of Public Ways and Easements in Mystic Woods SD Ph 1 and Ph 2 by Jeffrey L. and Carolyn A. Huston.

Change Order #1: Lauramie Creek Erosion Project: H. Stewart Kline & Associates, Inc.

Ms Kuhl requested approval of this change order required due to the presence of numerous springs encountered at Site B. Because of this, Open Cell Concrete Block Mattress could not be used and Class 2 riprap was used as bank encasement. The cost of the change is an additional \$49,960.

- Commissioner Shedd moved to approve Change Order # 1 for the Lauramie Creek Erosion Project for the additional amount of \$49,960, seconded by Commissioner Benson; motion carried.

Change Order #1: 2006 Culvert Replacement Project: Milestone Contractors, L.P.

Ms Kuhl explained this change order is for pre-closure warning or Road Closed 500 ft signs. The additional cost for 12 signs is \$3,352.80.

- Commissioner Shedd moved to approve Change Order #1 for the 2006 Culvert Replacement Project for an additional amount of \$3,352.80, seconded by Commissioner Benson; motion carried.

AREA PLAN: Executive Director Sallie Fahey

Mrs. Fahey announced that the Digital Zoning Contractor has been hired for the vacant Planner I position so his contract has been terminated. She said the employee will finish the Digital Zoning work as part of his workload as Planner.

ORDINANCE 2006-13-CM: UZO Amendment #1: Area Plan Executive Director Sallie Fahey

Ordinance 2006-13-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

(quote)

July 20, 2006
Ref. No.: 06-362

Tippecanoe County Commissioners
20 N. 3rd Street
Lafayette IN 47901

CERTIFICATION

RE: UZO AMENDMENT #51:

An amendment based on the 2006 Senate Enrolled Act 35, which includes minor changes to the Planned Development section of the Unified Zoning Ordinance.

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on July 19, 2006, the Area Plan Commission of Tippecanoe County voted 14 yes - 0 no on the motion to approve the enclosed amendment to the Unified Zoning Ordinance. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed zoning ordinance amendment be approved.

Sincerely,
/s/Sallie Dell Fahey
Executive Director

(unquote)

Mrs. Fahey explained this amendment will more closely align the existing zoning ordinance section on Planned Development zones with the newly adopted Senate Enrolled Act 35 enacted by the Indiana Senate earlier this year. The amendment changes the language that fixes the date the application is made.

- Commissioner Shedd moved to approve Ordinance 2006-13-CM, seconded by Commissioner Benson.

Auditor Plantenga recorded the vote:

Ruth Shedd	Yes
KD Benson	Yes
John Knochel	Yes

- The motion to approve Ordinance 2006-13-CM passed 3 – 0.

ORDINANCE 2006-14-CM: Z-2290, Mark Kyburz AA to GB

Ordinance 2006-14-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to hear and approve Ordinance 2006-14-CM, seconded by Commissioner Benson.

(quote)

July 20, 2006
Ref No 06-366
Tippecanoe County Commissioners
20 N 3rd Street
Lafayette, IN 47901

CERTIFICATION

RE Z-2290-MARK KYBURZ (AA to GB):

Petitioner is requesting rezoning of 4.0 acres located at 9010 W 500 N. a tract of land located between the south side of US 52 W and CR 500 N in Shelby 27 (SE) 24-6. CONTINUED FROM THE MAY APC MEETING AT PETITIONER'S REQUEST

Dear County Commissioners

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on July 19 2006, the Area Plan Commission of Tippecanoe County voted 14 yes-0 no on the motion to rezone the subject real estate from AA to GB. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Pubic Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their August 7, 2006 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely
/s/Sallie Dell Fahey
Executive Director

(unquote)

Appearing on behalf of the petitioner, Attorney Dan Teder requested the rezoning of 4 acres from AA to GB that will allow the petitioner to relocate an auto sales and mechanic business he currently operates in the Town of Otterbein. Mr. Teder estimated the acreage has not been farmed in 40 to 50 years and said it has been the site for a church for many years. The petitioner plans to renovate the existing church building into a sales office and add a building that will be used as a tune-up shop. No objections have been expressed by the neighbors.

Commissioner Benson commented the Area Plan commission voted unanimously to approve the rezone.

Auditor Plantenga recorded the vote:

KD Benson	Yes
John Knochel	Yes
Ruth Shedd	Yes

- The motion to approve Ordinance 2006-14-CM passed 3 – 0.

ORDINANCE 2006-15-CM: Z-2297, Campus Suites, LLC A to R3

Ordinance 2006-15-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Commissioner Shedd moved to hear and approve Ordinance 2006-15-CM, seconded by Commissioner Benson.

(quote)

July 20, 2006
Ref No 06-367

Tippecanoe County Commissioners
20 N 3rd Street
Lafayette, IN 47901

CERTIFICATION

RE: Z-2297-CAMPUS SUITES, LLC (A to R3):

Petitioner is requesting rezoning of 20 acres for a proposed multi-family complex of 9 buildings plus one clubhouse, located on the east side of Klondike Road, just south of the CR 250 N Intersection, Wabash 11 (SW) 23-5.

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on July 19, 2006, the Area Plan Commission of Tippecanoe County voted 5 yes-9 no on the motion to rezone the subject real estate from A to R3. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be DENIED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their August 7, 2006 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,
/s/Sallie Dell Fahey
Executive Director

(unquote)

Representing the petitioner, Attorney Joe Bumbleburg stated this is a very good project from a planning point of view. Utilities can be made available and, in his opinion, the County will benefit from the half width improvements to the Cumberland Ave. project and excel/decel lanes that will be required on Klondike Road. The units will be geared to tenant safety with sprinklers on the fire system, a security system, a key lock system, and a great on-site management structure. He estimated the assessed valuation will increase \$25 million compared to \$9 million if the area is zoned R1 as some are advocating. Since the units will primarily house students, the petitioners are in negotiations for a substantial contract with CityBus to put these units on the bus route. To provide easy access for students traveling to and from campus, there will be a bus turnaround within the development.

Speakers in Favor

Campus Suites Chairman Henry Morton listed some of the positives of the project:

- Gated community for safety
- Three story buildings that will be attractive
- One bath for each bedroom
- Full workout facility on the premises
- Ample parking with 1¼ spaces per bed
- Green space totaling 37%

Campus Suites President Tom Lang said they are committed to affordable and fit housing for students. The doors will have electronic locks for safety and each unit will have a washer and dryer for convenience. He said they will work with the community to develop the road located to the north of the property.

Speakers in Opposition

Shaun Sengsanith, 2101 Windflower, Wake Robin SD: Ms Sengsanith said they have already seen increased traffic on County roads in the Wake Robin area. Although bus service will be provided, she said students will continue to drive to campus possibly because it is raining or they are running late. She estimated there will be 756 more cars than if the area is zoned R1.

Thomas Oneal, 2403 Bobolink Dr., Wake Robin SD: Mr. Oneal questioned how long Campus Suites will be here and pointed out that other R3 facilities changed when the original owner sold the property. He urged the Commissioners to wait and see what changes occur when Cumberland Ave. is extended. Because the overall population of Purdue University is not changing, he doesn't see the need for more student housing.

Commissioner Benson asked Auditor Plantenga if the additional assessed valuation will add to the County General Fund. He responded it will bring the tax rate down but it won't add to the General Fund revenue.

Commissioner Benson expressed her concern with the location of this project because it is right next to Wake Robin SD. She said she can't support this request because, if the ownership changes, something less desirable could be developed on this acreage if R3 zoning is approved.

Commissioner Shedd commended the petitioners for the security measures for the students but she is concerned about increased traffic in this area. She said she can't support this request at this time.

President Knochel said that, in addition to deciding if this is the correct zoning, the Commissioners have the obligation to take in factors such as traffic and the need for this type of housing.

Auditor Plantenga recorded the vote:

John Knochel	No
Ruth Shedd	No
KD Benson	No

- The motion to approve Ordinance 2006-15-CM failed 3 – 0.

ORDINANCE 2006-16-CM: Z-2300, Komark Business Company A to R1

Ordinance 2006-16-CM will appear in its entirety in the Ordinance and Resolution book in the County Auditor's Office.

- Commissioner Shedd moved to hear and approve Ordinance 2006-16-CM, seconded by Commissioner Benson.

(quote)

July 20, 2006
Ref. No.: 06-370

Tippecanoe County Commissioners
20 N. 3rd Street
Lafayette, IN 47901

CERTIFICATION

RE: Z-2300-KOMARK BUSINESS COMPANY (A to R1):

Petitioner is requesting rezoning of seven pieces of land totaling 11.35 acres found within an 80 acre tract of land where the proposed Central Park Subdivision is located on the north side of CR 500 N, between CR 50 W and CR 150 W, Wabash 25 (SE) 24-5.

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on July 19, 2006, the Area Plan Commission of Tippecanoe County voted 14 yes - 0 no on the motion to rezone the subject real estate from A to R1. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their August 7, 2006 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,
/s/Sallie Dell Fahey
Executive Director

(unquote)

David Kovich, the petitioner, said this is a clean-up to get all remaining A zoning within a larger tract to R1.

Auditor Plantenga recorded the vote:

Ruth Shedd	Yes
KD Benson	Yes
John Knochel	Yes

- The motion to approve Ordinance 2006-16-CM passed 3 – 0.

CARY HOME: Director

President Knochel announced that the Commissioners conducted interviews and an individual has been selected to fill the vacant Executive Director position at Cary Home. An Interim Director has been serving until the vacancy could be filled.

- Commissioner Shedd moved to appoint Jason Kniola as Cary Home Executive Director effective September 11, 2006, seconded by Commissioner Benson; motion carried.

President Knochel said Mr. Kniola is currently employed at Wabash Valley Hospital and has been effective in counseling young boys.

← President Knochel left the meeting and Vice President Ruth Shedd assumed the chair.

SUBDIVISION VARIANCE: S-3852-Derhammer Industrial SD (Major Preliminary Plat)

1. A variance to waive the required half-width improvements to CR 500 E.
2. A variance to waive the required half-width improvements to Old CR 350 S.

- Commissioner Benson moved to hear and approve the Subdivision Variance for Derhammer Industrial SD, seconded by Commissioner Shedd.

Representing the petitioner, Attorney Dan Teder said he would be glad to answer any questions.

Commissioner Benson established with Highway Executive Director Kuhl that the County Highway Department has no objection.

- The motion carried.

SUBDIVISION VARIANCE: S-3854-Central Park SD (Major Preliminary Plat): David Kovich, Petitioner

- Commissioner Benson moved to hear and approve the Subdivision Variance for Central Park, seconded by Commissioner Shedd.
 1. A variance to reduce the required pavement width from 30-ft. to 28-ft. (measured from back-of-curb to back-of-curb) for Azalea Drive from Lot 65 to Lot 85 and for Bethesda Court, Conservatory Drive, Literacy Drive and Obelisk Drive.
 2. A variance to waive the required 100-ft. straight-line tangent between centerline curves located on; a) Belvedere Boulevard from CR 500 N to the boulevard section; and b) Azalea Drive along Lot 64.
 3. A variance to reduce the required straight-line tangent between centerline curves located on Obelisk Drive along Lot 49 from 100-ft. to 86.71-ft.
 4. A variance to reduce the minimum centerline radius of 100-ft. to 50-ft. for Obelisk Drive along Lot 31.

Mr. Kovich withdrew his request for variance #3 and variance #4 because changes have been made to meet the Ordinance.

Mr. Kovich requested approval of variance #1 and variance #2 because these are all local streets within the subdivision, not collector streets. The dwellings will be single family with two and three car garages and large driveways that will eliminate on-street parking except for special occasions. Due to Rule 5, erosion and sediment control, he said he tries to reduce the amount of impervious area and this is a good example of a subdivision that can do that. Central Park will be a low impact development by reducing the storm water drainage off the site and because of minimal disturbance of the natural setting. In addition, he met with the County Highway Department and no concerns were expressed regarding the reduction of the width.

- After Commissioner Benson amended her motion to exclude Variance #3 and Variance #4, the motion to approve carried.

IVY TECH SERVICES AGREEMENT: Board of Election & Registration Co-Directors Heather Maddox and Laurie Wilson

Ms Maddox and Mrs. Wilson requested approval of the Services Agreement with Ivy Tech for 2006 General Election Worker Training. The Agreement is the same as for the Primary Election but, due to some shortcomings, the training will be increased at no additional cost.

- Commissioner Benson moved to approve the Services Agreement with Ivy Tech for 2006 General Election Worker Training, seconded by Commissioner Shedd; motion carried.

TIPPECANOE VILLA APPLICATIONS

- Commissioner Benson moved to approve applications for Tracy Dwayne Blanchard and Alvin B. Davis to the Tippecanoe Villa, seconded by Commissioner Shedd; motion carried.

UNFINISHED BUSINESS

Operation Pull-Over Grant

Commissioner Benson announced that the application for the Operation Pullover Grant to pay Overtime for enforcement of seat belt use was filed on Friday, August 4th.

REPORTS

Reports from Veterans Affairs, Weights & Measures, Tippecanoe County Public Library, and Mail & Duplicating are on file in the Commissioners' Office for review.

PUBLIC COMMENT

None.

ADJOURNMENT

- Commissioner Benson moved to adjourn, seconded by Commissioner Shedd; motion carried.

**BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE**

John L. Knochel, President

Ruth E. Shedd, Vice President

KD Benson, Member

ATTEST:

Robert A. Plantenga, Auditor